

REMARKS

Overview

Examiner Lee is thanked for the courtesies extended to the undersigned during the telephonic interview of April 4, 2006. The amendments and remarks submitted herein reflect and expand on the discussions that took place during the interview.

The present application includes claims 1-21 and 24-30. With this Amendment, Applicants have amended claims 1, 2, 4, 8, 9, 11, 13-15, 18, 27, and 28, and added claims 31-35. As such, claims 1-21, and 24-35 are pending in this application.

Applicants have amended claims 4 and 14 to reflect the terminology of the claims from which they depend.

Allowable Subject Matter

Applicants acknowledge with appreciation the allowance of claims 20, 21, 24-26, 29, and 30. Applicants further acknowledge with appreciation the indication that claims 2-4, 8, and 18 would be allowable if rewritten in independent form.

With this Amendment, Applicants have presented claims 2, 8, and 18 in independent form. Claims 3 and 4 continue to depend from claim 2. Therefore, Applicants submit that claims 2-4, 8, and 18 are in condition for allowance.

Claim Rejections

The Examiner rejected claims 9, 13, 15, and 27 under 35 U.S.C. §112, second paragraph, as being indefinite. With this amendment, Applicants have amended claims 9, 13, 15, and 27 to more particularly point out and distinctly claim the subject matter sought to be claimed. Removal of the rejection is respectfully requested.

The Examiner rejected claims 1, 5-7, 10-14, 16, 19, and 28 under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 5,704,707 to Gebelein et al. ("Gebelein"). The rejected claims include independent claims 1 and 11 from which the remaining claims depend. Gebelein relates to a MOTORCYCLE SAFETY HELMET SYSTEM.

Claim 1

Applicants submit that Gebelein does not disclose, teach, or suggest the vehicle having an infrared lighting system for use with night vision viewing devices of amended claim 1 comprising: "a chassis carrying a straddle-type seat, ... a switch, an infrared light ... and non-infrared lights connected to the vehicle including a headlight, the switch controlling the illumination of the non-infrared lights, and an infrared light switch that controls illumination of the infrared light."

The Examiner identifies stop lamp 56 as the "non-infrared lights" of claim 1 whose illumination is controlled by the "switch" identified by the Examiner as proximity switch 38. As amended, claim 1 requires the non-infrared lights to include a headlight. Although Gebelein illustrates a headlight, it does not appear from Gebelein that the illumination of the illustrated headlight is controlled by switch 38.

For at least these reasons, Applicant submits that independent claim 1 is in condition for allowance. Such action is respectfully requested.

Claims 5-7, 9, 10, and 28 depend from claim 1 and are believed to be in condition for allowance at least for the reasons given above in connection with claim 1 and for the further limitations of claims 5-7, 9, 10, and 28. Such action is respectfully requested.

Claim 11

Applicants submit that Gebelein does not disclose, teach, or suggest the vehicle having an infrared lighting system for use with night vision viewing devices of amended claim 11 comprising: "a chassis carrying a seat, an engine for powering the vehicle, and an infrared light switch, an infrared light positioned to illuminate an area in front of the vehicle, and one or more non-infrared lights carried by the vehicle and positioned to illuminate an area in front of the vehicle, the infrared light switch for controlling the illumination of the non-infrared lights and the infrared lights."

The Examiner identifies stop lamp 56 as the "non-infrared lights" of claim 11 and LED 28 as the "infrared light" of claim 11. Neither of stop lamp 56 nor LED 28 appear to "illuminate an area in front of the vehicle" as required by claim 11.

For at least these reasons, Applicant submits that independent claim 11 is in condition for allowance. Such action is respectfully requested.

Claims 12-17 and 19 depend from claim 11 and are believed to be in condition for allowance at least for the reasons given above in connection with claim 1 and for the further limitations of claim 12-17 and 19. Such action is respectfully requested.

New Claims

With this Amendment, Applicants have added claims 31-35. Claim 31 depends from claim 8. Claims 32 and 34 depend from claim 18. Claim 33 depends from claim 2. Claim 35 depends from claim 20.

Final Remarks

Claims 1-19, 27, 28, and 31-35 are believed to be in condition for allowance along with previously allowed claims 20, 21, 24-26, 29, and 30. Such action is respectfully requested.

If necessary, Applicants request that this response be considered a request for an extension of time appropriate for the response to be timely filed. Applicants request that any required fees needed beyond those submitted with this amendment be charged to the account of Baker & Daniels, Deposit Account No. 02-0390.

The Examiner is invited to contact the undersigned at the telephone number provided below should any question or comment arise during consideration of this matter.

Respectfully submitted,



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